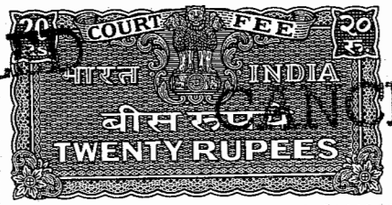
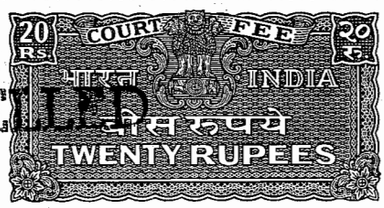




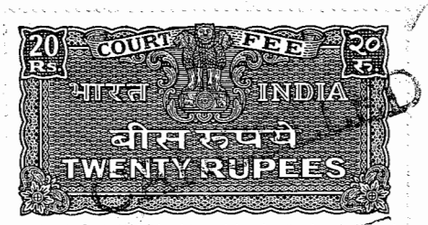
3

IN THE HIGH COURT OF JUDICATURE, AT-BILASPUR (C.G.)

WPNO. 390/2003

BETWEEN

PETITIONER : MANOHAR RAM PRADHAN AGE-56 YEARS
SON OF SHRI D.P.PRADHAN
POSTED AS CO-OPERATIVE INSPECTOR
AT - OFFICE OF REGISTRAR,
CO-OPERATIVE SOCIETIES, RAIPUR
R/O SECTOR NO.2, BLOCK NO. - 5
ROOM NO.-21, KASHI RAM NAGAR
RAIPUR TAHSIL & DISTT. RAIPUR (C.G.)

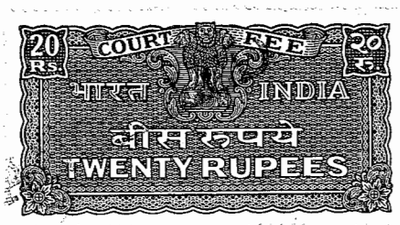


P. R. No. 369/03
Presented by Shri R.S.Patel
dated 23.01.03

VERSUS

RESPONDENTS :
1. STATE OF CHHATTISGARH
THROUGH - THE SECRETARY
CO-OPERATIVE DEPARTMENT,
D.K.S. BHAWAN, RAIPUR.

2. THE REGISTRAR,
CO-OPERATIVE SOCIETIES,
AGRICULTURE UNIVERSITY
CAMPUS, LABHANDI, RAIPUR
CHHATTISGARH.



WRIT PETITION UNDER ARTICLE-226 OF CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

78

मामला क्रमांक W.P.3910/03 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27.4.2005 Mr. R.K. Kesharwani, counsel for the petitioner. Mr. G.K. Beriwal, Dy. Advocate General for the respondents. The petitioner has preferred this writ petition being aggrieved by order-dated 26.9.1999 (Annexure P-1) passed by the Additional Registrar, Co-operative Societies, M.P. whereby the petitioner has been held guilty in the departmental enquiry and a penalty has been imposed under Rule 10 (6) of C.C.A. Rules, 1996 to the effect that the petitioner is reverted to the minimum pay scale of Co-operative Inspector. Counsel for the petitioner submits that against the aforesaid order an appeal has been preferred by the petitioner before the Secretary of erstwhile Co-operative Department, State of M.P in the year 1999, but till date that appeal has not been decided, therefore, perforce the petitioner has filed this petition. He further submits that now respondent No.1-Secretary, Co-operative Department, State of C.G is saying that file pertaining to case of the petitioner is not available with him, whereas, the Secretary, Co-operative Department, State of M.P. vide letter dated 29.5.2003 (Annexure P-16) has already communicated to respondent No.1 that whole record has already been sent to the State of Chhattisgarh. Counsel also submits that only nine months' time is left in the retirement of the petitioner and the petitioner is running from pillar to post but no relief is being granted to him. Therefore, counsel for the petitioner submits that respondent No.1 be directed to get the file traced within one month & decide his appeal and in case the file is not traced out then the petitioner may be allowed to submit the papers already available with him	

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP 390/03... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

before respondent No.1 and in turn respondent No.1 be directed to reconstitute the appeal based on those papers and decide the same.

The prayer made by counsel for the petitioner appears to be just and fair, as the petitioner is on the verge of retirement and since last six years his appeal is not being decided. Every government employee at the fag end of his career expects that he should retire peacefully without any stigma on his career, therefore, it is the duty of the department that before his retirement all the pending cases are disposed of with whatever result.

In the circumstances, respondent No.1 is directed to get the file traced within a period of one month from today and if file is traced in that case after giving opportunity to the petitioner of hearing decide the appeal within another one month, as very limited time is left in the retirement of the petitioner. In case, the appeal is not traced out then respondent No.1 will allow the petitioner to file the necessary documents already available with him for reconstitution of the appeal within 15 days after expiry of one month from today and reconstitute the file based on the papers submitted by the petitioner and also by the officers of the Co-operative Department within another one month i.e. after expiry of one month & fifteen days from today and thereafter, after hearing the petitioner and the department decide the appeal within another two months.

As mentioned earlier that very limited time is left in the retirement of the petitioner, therefore, respondent No.1 is directed to decide the appeal of the petitioner within the time schedule given in the above order.

With the direction aforesaid, the petition stands disposed of.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP.390./03... सन् 200

..... विरुद्ध .....

80

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	However, if the petitioner is not satisfied with the decision of respondent No.1-Secretary or this order is not complied with by respondent No.1-Secretary, in that case the petitioner will be at liberty to take recourse of law as is available to him. Certified copy as per rules. Sd/- L.C. Bhadoo Judge	

Roshan